

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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OSCAR JIGGETTS, :

Petitioner, :

-against- :

ORDER

ROYCE MARK, : 20-CV-2689 (AJN) (KNF)

Respondent. :

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KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

The petitioner, proceeding pro se, filed this petition under 28 U.S.C. § 2254 for writ of habeas corpus, asserting the following claims: (1) the court's "charge on cross-racial identification" was erroneous; (2) his counsel rendered ineffective assistance to him; and (3) his lineup was unduly suggestive. By a letter, dated May 10, 2020, the petitioner requested that the petition be held in abeyance so that he may exhaust his claim of ineffective assistance of counsel based on counsel's "failure to investigate."

On or before June 15, 2020, the petitioner shall serve and file a writing explaining: (1) the reason for failing to exhaust his "failure to investigate" claim in state court; and (2) why his unexhausted "failure to investigate" claim is not meritless. On or before June 29, 2020, the respondent shall respond to the petitioner's request to hold the petition in abeyance. On or before July 13, 2020, the petitioner may serve and file any reply.

The Clerk of Court is directed to mail a copy of this Order to the petitioner.

Dated: New York, New York
May 29, 2020

SO ORDERED:



KEVIN NATHANIEL FOX
UNITED STATES MAGISTRATE JUDGE

